

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

WALTER E. PARK, III,
Plaintiff,

Case No. 1:15-cv-182

vs

Barrett, J.
Litkovitz, M.J.

DONALD MORGAN, et al.,
Defendants.

**REPORT AND
RECOMMENDATION**

This matter is before the Court on the *pro se* prisoner-plaintiff's motion for leave to file an amended complaint adding a request for damages as relief based on allegations set forth in the original complaint. (See Doc. 8). The amendment to the complaint is allowed in light of the undersigned's previous order issued April 23, 2015 granting plaintiff permission to file an amended complaint. (See Doc. 7, p. 1, at PAGEID#: 50).

However, the addition of a request for damages does not change the undersigned's conclusion, as set forth in a prior Report and Recommendation issued April 10, 2015 (see Doc. 5), that the complaint is subject to dismissal at the screening stage because it fails to state a claim upon which relief may be granted.

IT IS THEREFORE RECOMMENDED THAT:

1. The plaintiff's complaint (Doc. 4), as amended (Doc. 8), be **DISMISSED** with prejudice pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1).
2. The Court certify pursuant to 28 U.S.C. § 1915(a)(3) that for the foregoing reasons an appeal of any Order adopting this Report and Recommendation would not be taken in good faith and therefore deny plaintiff leave to appeal *in forma pauperis*. See *McGore v. Wigglesworth*,

114 F.3d 601 (6th Cir. 1997).

Date: 5/20/15

/s/Karen L. Litkovitz
Karen L. Litkovitz
United States Magistrate Judge

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

WALTER E. PARK, III,
Plaintiff,

vs

DONALD MORGAN, et al.,
Defendants.

Case No. 1:15-cv-182

Barrett, J.
Litkovitz, M.J.

NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation ("R&R") within **FOURTEEN (14) DAYS** after being served with a copy thereof. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent's objections within **FOURTEEN DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

cbc